

THURSDAY, MARCH 6, 2003

FIFTEENTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Minister Jeff Keele of Waverly Church of Christ in Waverly, Tennessee, a guest of Senator Jackson.

PLEDGE OF ALLEGIANCE

Senator Southerland led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 31

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

COMMUNICATION

March 5, 2003

Lt. Governor John Wilder
1 Legislative Plaza
Nashville, TN 37243

Dear Governor Wilder:

Please excuse me from floor session on Thursday, March 6, 2003. I will be at the hospital with my son, Daniel. I have an appointment with his doctor at 8:15 a.m. I will be in as soon as I am through seeing the doctor.

Sincerely,

/s/ Jo Ann Graves
Speaker Pro Tempore

APPROVED: Lieutenant Governor
John S. Wilder

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 271 -- Dresden -- Subject to local approval, provides for selection of mayor pro tem in event both mayor and vice mayor absent or unable to perform duties. Amends Chapter 146 of the Private Acts of 1986.

House Bill No. 272 -- Sharon -- Subject to local approval, allows recorder/treasurer and marshal to be county residents instead of town residents. Amends Chapter 177 of the Acts of 1901.

House Bill No. 422 -- Harriman -- Subject to local approval, revises powers and duties of city council; changes date on which interest on city tax debt begins to accrue; makes other various changes to city charter. Amends Chapter 165 of the Private Acts of 1917; as amended.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 1984 held on desk.

Senate Bill No. 1985 held on desk.

Senate Bill No. 1986 held on desk.

Senate Bill No. 1987 held on desk.

RESOLUTIONS LYING OVER

House Joint Resolution No. 114 -- Naming and Designating -- Gwinnett County Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated Day, March 8, 2003.

The Speaker announced that he had referred House Joint Resolution No. 114 to Committee on State and Local Government.

House Joint Resolution No. 115 -- Memorials, Death -- Dr. Samuel Boyd Smith.

The Speaker announced that he had referred House Joint Resolution No. 115 to Committee on Calendar.

House Joint Resolution No. 117 -- Memorials, Death -- Bill Kirk.

The Speaker announced that he had referred House Joint Resolution No. 117 to Committee on Calendar.

House Joint Resolution No. 118 -- Memorials, Retirement -- John Holsclaw.

The Speaker announced that he had referred House Joint Resolution No. 118 to Committee on Calendar.

THURSDAY, MARCH 6, 2003 -- 15TH LEGISLATIVE DAY

House Joint Resolution No. 119 -- Memorials, Death -- Lemuel W. "Tige" Hooper.

The Speaker announced that he had referred House Joint Resolution No. 119 to Committee on Calendar.

House Joint Resolution No. 120 -- Naming and Designating -- "West Tennessee Polled Hereford Association Day", March 15, 2003.

The Speaker announced that he had referred House Joint Resolution No. 120 to Committee on Calendar.

House Joint Resolution No. 122 -- Memorials, Personal Occasion -- William Andrew Frazier and Barbara Sue Jackson, 25th wedding anniversary.

The Speaker announced that he had referred House Joint Resolution No. 122 to Committee on Calendar.

Senate Joint Resolution No. 129 -- Memorials, Death -- Florence Thomas Mosley.

The Speaker announced that he had referred Senate Joint Resolution No. 129 to Committee on Calendar.

Senate Joint Resolution No. 130 -- Memorials, Public Service -- Dr. George Washington Carver.

The Speaker announced that he had referred Senate Joint Resolution No. 130 to Committee on Calendar.

Senate Joint Resolution No. 131 -- Memorials, Recognition -- Alzheimer's Association's Safe Return Program.

The Speaker announced that he had referred Senate Joint Resolution No. 131 to Committee on Calendar.

Senate Resolution No. 19 -- Memorials, Public Service -- West Tennessee Polled Hereford Association, 50th anniversary.

The Speaker announced that he had referred Senate Resolution No. 19 to Committee on Calendar.

CONSENT CALENDAR

House Joint Resolution No. 113 -- Memorials, Death -- Shaffin Crawford.

Senate Joint Resolution No. 129 -- Memorials, Death -- Florence Thomas Mosley.

Senate Joint Resolution No. 130 -- Memorials, Public Service -- Dr. George Washington Carver.

Senate Resolution No. 19 -- Memorials, Public Service -- West Tennessee Polled Hereford Association, 50th anniversary.

Senator Crowe moved that all Senate Resolutions and Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

CALENDAR

Senate Joint Resolution No. 60 -- Memorials, Congress -- Urges U.S. Department of Energy to require engineers working at DOE facilities in Tennessee to comply with Tennessee's registration law; memorializes state's Congressional delegation to introduce legislation to accomplish same.

Senate Joint Resolution No. 60 was adopted by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Joint Resolution No. 82 -- General Assembly, Directed Studies -- Requests state insurance committee to propose comprehensive vision program as voluntary group program for state employees and retirees.

Senate Joint Resolution No. 82 was adopted by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senate Bill No. 341 -- Podiatrists -- Authorizes podiatrist to order home health services if podiatrist has previously provided treatment to patient and has had ongoing physician-patient relationship with such person. Amends TCA Section 68-11-201.

Senator Herron moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-201(17), is amended by adding the following language as a new subdivision (D):

(D) For the purposes of defining "home health service" only, "physician" includes a podiatrist licensed under Title 63, Chapter 3, provided, that any home health service ordered is a follow-up to treatment provided to the patient by the podiatrist.

SECTION 2 This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 341**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senate Bill No. 1736 -- Housing -- Excludes redevelopment projects and redevelopment plans from prohibition on housing authority taking private property in urban renewal area by eminent domain for purposes of resale; increases number of housing authority commissioners in Putnam County to seven. Amends TCA Title 13, Chapter 20.

Senator Burks moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 of the bill in its entirety and renumbering subsequent sections accordingly.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1736**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senate Bill No. 187 -- Medical Occupations -- Permits physical therapists and physical therapist assistants licensed in other jurisdictions temporarily performing physical therapy with visiting athletic teams and similar entities to be exempt from Tennessee licensing. Amends TCA Title 63, Chapter 13.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the punctuation "." at the end of the amendatory language of Section 1 and by substituting instead the language "; provided, however, a person performing physical therapy in this state pursuant to this item shall agree to use the secretary of state for service of process pursuant to Title 20, Chapter 2, Part 2."

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 187**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Clabough moved that **Senate Bill No. 324** be rereferred to the Committee on Judiciary, which motion prevailed.

MOTION

Senator Dixon moved that Rule 83 be suspended for the purpose of allowing the Committee on State and Local Government to meet to consider **House Joint Resolution No. 114**, which motion prevailed.

RECESS

Mr. Speaker Wilder moved the Senate stand in recess for five minutes, which motion prevailed.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Wilder.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: House Joint Resolution No. 114.

COHEN, Chairperson
March 6, 2003

The Speaker announced that he had referred House Joint Resolution No. 114 to Committee on Calendar.

MOTION

Senator Dixon moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 114**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 114 -- Naming and Designating -- Gwinnett County Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated Day, March 8, 2003.

On motion of Senator Dixon, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 114** was concurred in by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

RECALL OF BILL

On motion of Senator Dixon, **Senate Bill No. 1547** was recalled from the Committee on Commerce, Labor and Agriculture.

WITHDRAWAL OF BILL

On motion of Senator Dixon, Senate Bill No. 1547 was withdrawn from the Senate.

MOTION

Senator Crutchfield moved that the Proposed Schedule for the week of March 10, 2003, be adopted and made the action of the Senate, which motion prevailed by the following vote:

THURSDAY, MARCH 6, 2003 -- 15TH LEGISLATIVE DAY

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--30.

**TENNESSEE STATE SENATE
103rd GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF MARCH 10, 2003**

MONDAY -- March 10

5:00 p.m. Session -- Senate Chamber
6:00 p.m. Joint Convention -- House Chamber
Message of the Governor

TUESDAY -- March 11

8:30 a.m. -- 10:30 a.m. Finance, Ways & Means Committee
10:30 a.m. -- 12:30 p.m. State & Local Government Committee
12:30 p.m. -- 1:30 p.m. Lunch
1:30 p.m. -- 3:30 p.m. Commerce, Labor & Agriculture Committee
3:30 p.m. -- 5:30 p.m. Judiciary Committee

WEDNESDAY -- March 12

8:00 a.m. -- 9:30 a.m. Education Committee
9:30 a.m. -- 10:30 a.m. General Welfare, Health & Human Resources
10:30 a.m. -- 11:30 a.m. Environment, Conservation & Tourism Committee
11:30 a.m. -- 12:30 p.m. Lunch
12:30 p.m. -- 1:30 p.m. Transportation Committee
1:30 p.m. -- 3:00 p.m. Government Operations Committee
3:00 p.m. Senate Caucuses
3:30 p.m. Session -- Senate Chamber

THURSDAY -- March 13

9:00 a.m. Session -- Senate Chamber

OTHER MEETINGS:

Monday, March 10, 2003 -- Council on Pensions & Insurance
1:30 p.m. -- Room 29 LP

Monday, March 10, 2003 -- Select Oversight Committee on Corrections
1:30 p.m. -- Room 16 LP

THURSDAY, MARCH 6, 2003 -- 15TH LEGISLATIVE DAY

Monday, March 10, 2003 – TennCare Oversight
3:00 p.m. – Room 12/14 LP

Wednesday, March 12, 2003 – Predatory Lending Study Committee
4:00 p.m. or immediately after Session in Room 12/14 LP

Thursday, March 13, 2003 – Sub-Committee on Tort Reform
8:00 a.m. – Room 12/14 LP

MOTION

On motion of Senator Trail, his name was added as sponsor of **Senate Bill No. 1067**.

On motion of Senator Cooper, his name was added as sponsor of **Senate Joint Resolution No. 130; and Senate Resolution No. 19**.

On motion of Senator Burks, her name was added as sponsor of **Senate Joint Resolution No. 82**.

On motion of Senators Norris and Williams, their names were added as sponsors of **Senate Resolution No. 19**.

ENGROSSED BILLS

March 6, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 60, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

March 6, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 187, 341 and 1736; and Senate Joint Resolutions Nos. 82, 129 and 130; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

March 6, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141 and 142; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

THURSDAY, MARCH 6, 2003 -- 15TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

March 6, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 107, 109 and 116, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 6, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 113 and 114, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

March 6, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolution No. 19; and Senate Joint Resolutions Nos. 112, 113, 114, 115, 119, 120, 122, 123, 124, 125 and 126; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

SIGNED

March 6, 2003

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 107, 109 and 116.

SIGNED

March 6, 2003

The Speaker announced that he had signed the following: Senate Resolution No. 19; Senate Joint Resolutions Nos. 112, 113, 114, 115, 119, 120, 122, 123, 124, 125 and 126; and House Joint Resolutions Nos. 113 and 114.

MESSAGE FROM THE HOUSE

March 6, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 55, 87 and 325; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

THURSDAY, MARCH 6, 2003 -- 15TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

March 6, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 112, 113, 114, 115, 119, 120, 122, 123, 124, 125 and 126; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 6, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 55, 87 and 325; and Senate Joint Resolutions Nos. 112, 113, 114, 115, 119, 120, 122, 123, 124, 125 and 126; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 10, 2003: House Joint Resolutions Nos. 115, 117, 118, 119, 120 and 122; Senate Joint Resolutions Nos. 104, 128 and 131; and Senate Bills Nos. 53, 202, 383, 508, 546, 688 and 708.

This the 6th day of March, 2003.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, March 10, 2003: Senate Bills Nos. 326, 476, 495, 957, 1190 and 154.

This the 6th day of March, 2003.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Monday, March 10, 2003: Senate Bills Nos. 304, 6, 562 and 1186.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 5:00 p.m., Monday, March 10, 2003, which motion prevailed.